

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TONY KOLE, et. al.,	)	
	)	Civil Case No: 1:11-cv-03871
Plaintiffs,	)	
	)	Hon. Charles R. Norgle, Sr.
v.	)	U.S. District Judge
	)	
VILLAGE OF NORRIDGE, et. al.,	)	Hon. Morton Denlow
	)	U.S. Magistrate Judge
Defendants.	)	

PLAINTIFFS' UNOPPOSED MOTION TO ENLARGE TIME  
TO FILERESPONSE TO DEFENDANTS' MOTION TO DISMISS

NOW COME Plaintiffs, TONY KOLE and GHOST INDUSTRIES, LLC, by and through their attorney, Walter P. Maksym, Jr., and request an extension of time to file their Response to Defendants' Motion to Dismiss Amended Complaint (Doc. 15), stating:

1. On October 26, 2011 this Court entered a minute order (Doc. 22) granting Plaintiffs until November 18, 2011 (the "Due Date") to file their Response to Defendants' Motion to Dismiss Amended Complaint and granted Defendants until December 2, 2011 to reply.

2. This Court previously granted Defendants leave to file and have they have filed an oversized forty-three (43) page Memorandum ("Defendants' Memo") in support of their Motion to Dismiss Plaintiffs' Amended Complaint.

3. Defendants' Memo addresses each of the Plaintiffs' claims, including the very unsettled law on the extent to which

Plaintiffs have a right to operate a firearms sales business. In addition, defendants' Motion to Dismiss raises absolute and qualified immunity, and state law statutory immunity.

4. Plaintiffs' undersigned counsel has devoted substantial time, effort and research in the preparation of said Plaintiffs' Memorandum, and expected to complete and file it by the due date, but has been unable to do so because, *inter alia*, the length and complexity of Defendants' Memo and because he was required to attend two court ordered evidence deposition (one out-of-town) on November 14 and 17, 2011 and a court ordered hearing on November 16, 2011 hearing.

5. Further, for the foregoing reasons combined with pressing obligations and demands relating to his practice, the undersigned counsel, a sole-practitioner and the only attorney of record for Plaintiffs and knowledgeable with respect to this matter, needs an extension of time within to file a proper Response and Memorandum.

6. Plaintiffs has not interposes any objection to Defendants' prior requests for an enlargement of time or their Motion for Leave to File Oversized Brief (Doc. 15).

7. On November 17, 2011 the Plaintiffs undersigned counsel had a telephonic conference with Defendants' counsel, Thomas G. DiCianni, and advised him of his need to bring this motion. Mr. DiCianni indicated that the undersigned counsel

could advise this Court that Defendants would not oppose this request for extension of time made herein, provided Defendants time to reply would also be extended as requested herein.

8. Because of the foregoing, good cause exists to grant Plaintiffs an extension of time as requested herein.

9. This Motion is made in good faith for purposes of necessity only and not for purposes of delay.

WHEREFORE, Plaintiff respectfully prays that this Court grant this Motion and enter an order:

A.) granting Plaintiffs an extension of eleven (11) days to November 29, 2011 within which to file their Response to Defendants' Motion to Dismiss;

B.) extending the time within which Defendants may file their Reply to a date fourteen (14) days after the new due date to December 13, 2011; and

C.) granting Plaintiffs such other further relief as this Court may deem fair, just and proper in the premises.

Respectfully submitted,

TONY KOLE and GHOST INDUSTRIES, LLC,  
Plaintiffs,

By /s/ Walter P. Maksym, Jr.  
WALTER P. MAKSYM, JR., their attorney

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